



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,863	03/18/2004	Phillip H. Pearson	609.001	6544
29166	7590	09/21/2005	EXAMINER	
DOMINGUE & WADDELL, PLC P.O. Box 3405 LAFAYETTE, LA 70502			GAY, JENNIFER HAWKINS	
			ART UNIT	PAPER NUMBER

3672

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Office Action Summary*

Application No.

10/803,863

Applicant(s)

PEARSON, PHILLIP H.

Examiner

Jennifer H. Gay

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 11 and 21 is/are rejected.
- 7) ☒ Claim(s) 4-9, 12-20 and 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/18/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/18/04</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “87” has been used to designate both a fluid outlet and a screen. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: It is noted that the first occurrence of each reference character has been underlined. While this is not necessarily incorrect, it may lead to future confusion, as underlining is indicative of material that has been newly added to the specification.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 8, 9, 15, 16, and 20 are objected to because of the following informalities:
- Claims 8 and 15 are objected to because “further comprising:” should be changed to --wherein the closing member comprises-- and the “-“ should be deleted from before “a plurality”. This change is necessary to make it clear that the plurality of closing members are not separate from the closing member of claim 1.
  - Claims 9 and 16 are objected to because “further comprising:” should be changed to --wherein the latching member comprises-- and the “-“ should be deleted from before “a plurality”. This change is necessary to make it clear

Art Unit: 3672

that the plurality of latching members are not separate from the latching member of claim 1.

- Claim 20 is objected to because "said latching members" should be changed to --each of said latching member-- to clarify that the listed features are part of each of the latching members.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 10, 11, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crain in view of Grable (US 2,522,444).

*Regarding claims 1, 10:* Crain discloses a drilling fluid bucket that includes the following features:

- A first half cylinder member **13**.
- A second half cylinder member **14, 15** where the first and second half cylinders form a cylindrical member.
- A closing member **17, 18** operatively attached at a first end to the first half cylinder member and to the second half cylinder member at a second end. The closing member is manually operated.
- A latching member **25** that latches the first half member to the second half member.
- A seal means **36** positioned along a first face on the first half member that cooperates with a sealing surface **37** along a second face on the second half member.

Crain discloses all of the limitations of the above claims except for the closing member being pneumatic.

Grable discloses a drilling fluid bucket similar to that of Crain. Grable further teaches using a closing member **28** that is pneumatic (3:55-73).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the closing member of Crain to be pneumatic as taught by Grable in order to have reduced the need for personal to handle the bucket thus increasing the safety of the operation.

*Regarding claim 2:* The closing member of Grable includes the following features:

- A first bracket **36** attached to a first half cylinder member **13**.
- A second bracket **36** attached to a second half cylinder member **14**.
- A pneumatically operated piston **28** contained within a cylinder where the cylinder is attached to the brackets.

*Regarding claims 3, 11:* The bucket of Crain includes an outlet **50** for directing fluid from the bucket.

*Regarding claim 21:* Crain discloses a method for preventing spillage of drilling fluid when disconnecting a first and second tubular using the above apparatus. The method involves the following steps:

- Providing the bucket.
- Providing a first end of the second tubular within a rotary table.
- Surrounding the junction of the first and second tubulars with the bucket.
- Activating the closing member.
- Pivoting the first and second half cylinder members to encapsulate the tubulars.
- Forming seal between the members to keep drilling fluid within the bucket by compressing the first and second seal surfaces together.
- Disconnecting the tubulars.
- Draining the drilling fluid from the bucket.

Crain discloses all of the limitations of the above claims except for the closing member being pneumatic.

Art Unit: 3672

Grable discloses a drilling fluid bucket similar to that of Crain. Grable further teaches using a closing member **28** that is pneumatic (3:55-73).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the closing member of Crain to be pneumatic as taught by Grable in order to have reduced the need for personal to handle the bucket thus increasing the safety of the operation.

### ***Allowable Subject Matter***

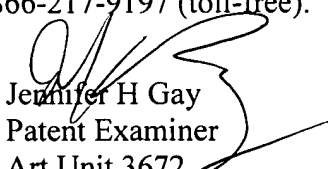
6. Claims 4-9, 12-20, and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

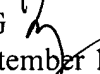
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer H Gay  
Patent Examiner  
Art Unit 3672

JHG   
September 15, 2005